IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 417 OF 2005

IN

NOTICE OF MOTION NO. 3550 OF 2004

SUIT NO. 1124 OF 1987

Atul Builders & Associates .. Plaintiffs

versus

Ishwarlal L. Shah & ors. .. Defendants

And

The Executive Engineer,BMC .. Respondents

...

Mr.Shyam Diwan i/b Mahimtura & Co. for the plaintiff.

Ms.Mirasi i/b Shah & Sanghvi for the defendant.

Mr.K.N. Gaikwad for the respondent.

CORAM : D.G. KARNIK,J.

DATED : 17th February 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. This motion is taken out by the plaintiff for restoration of a motion which was dismissed in default. The learned counsel for the defendant has no objection for restoration. No affidavit in reply has been filed by the respondent.

3. Motion allowed in terms of prayer clause (a).

D.G. KARNIK, J